

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>No. 08 CR 386-3</b>
	)	<b>Honorable Judge Coar</b>
	)	<b>Magistrate Judge Ashman</b>
<b>RODNEY RAY, et. al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**RODNEY RAY’S MOTION FOR DISCLOSURE BY THE GOVERNMENT OF ITS  
TESTIFYING EXPERT WITNESSES, AND PRODUCTION OF REPORTS CONTAINING  
THEIR OPINIONS, QUALIFICATIONS, AND TESTIMONIAL EXPERIENCE**

Defendant, RODNEY RAY (“Mr. Ray”), by and through his undersigned attorney, respectfully moves this Court for the entry of an Order directing the Government to disclose its testifying expert witnesses, along with reports containing the opinions for all such witnesses, including their qualifications and testimonial experience, at least 90 days prior to trial. In support of this Motion, Mr. Ray states as follows:

1. Pursuant to Rule 16(a)(1)(E) of the Federal Rules of Criminal Procedure, the Government, in response to a defendant’s request, must provide disclosure of its witnesses under Rules 702, 703, and 705 of the Federal Rules of Evidence.
2. Here, the Government should be required to make such disclosure at least 90 days prior to trial. Indeed, without that type of timely disclosure, there is no way that Mr. Ray and his counsel can adequately prepare for trial.
3. Once the Government makes such disclosure, Mr. Ray and his counsel will have to determine whether they need to find and retain any experts to rebut the testimony of the Government’s experts. Even finding such an expert may take 30 to 60 days.
4. In addition, once the Government makes such disclosure, Mr. Ray and his counsel will have to attempt to investigate and fine each expert's writings; each expert’s prior testimony, including possibly attempting to obtain transcripts of prior deposition and trial testimony; each expert’s credentials; and how each expert’s opinions falls within or without the mainstream of opinion.

5. In addition, Mr. Ray and his counsel may have to pursue a hearing or motions *in limine* with respect to each expert's opinions.

6. Indeed, it may not be until *after* all of the tasks enumerated in Paragraphs 3 through 6 above are concluded that it will be clear whether or not Mr. Ray and his counsel will need to find and retain rebuttal experts.

7. Accordingly, Mr. Ray seeks the entry of an Order directing the Government to disclose its testifying expert witnesses, along with reports containing the opinions for all such witnesses, including their qualifications and testimonial experience, at least 90 days prior to trial. This disclosure and production should also include the production of all prior sworn testimony by each such expert during the past 10 years.

**WHEREFORE**, Defendant, Rodney Ray, by his undersigned counsel, respectfully request the entry of an Order directing the Government to disclose its testifying expert witnesses, along with reports containing the opinions for all such witnesses, including their qualifications and testimonial experience, at least 90 days prior to trial; for the disclosure and production of all prior sworn testimony by each such expert during the past 5 years; and for such other and further relief as is appropriate under the circumstances.

Respectfully Submitted,

**By:** /s/ Michael I. Leonard  
Attorney for Defendant Rodney Ray

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Dated: July 1, 2008

**CERTIFICATE OF SERVICE**

I, Michael I. Leonard, an attorney, certify that on July 1, 2008 I caused a copy of Rodney Ray's Motion for Disclosure by the Government of Its Testifying Expert Witnesses, and Production of Reports Containing Their Opinions, Qualifications, and Testimonial Experience, to be served on the attorney(s) of record through the Court's ECF filing and notice system on July 1, 2008.

Respectfully Submitted,

**By:** /s/ Michael I. Leonard  
Michael I. Leonard